

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARNOLD HENRIQUEZ, ET AL.)
)
)
Plaintiffs,)
)
v.) C.A. No. 11-cv-12049-MLW
)
)
STATE STREET BANK AND TRUST)
COMPANY AND STATE STREET)
GLOBAL MARKETS LLC AND)
DOES 1-20)
)
Defendants.)
)

**UNOPPOSED MOTION FOR LEAVE TO FILE DOCUMENTS IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS UNDER SEAL**

1. Pursuant to Local Rule 7.2, Defendants State Street Bank and Trust Company and State Street Global Markets LLC (“Defendants”) hereby move to file under seal documents related to their motion to dismiss Plaintiffs’ Amended Class Action Complaint, pursuant to Fed. R. Civ. P. 12(b)(1) and (6). Plaintiff does not oppose the motion.

2. In support of their motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6), Defendants intend to submit affidavits attaching as exhibits copies of certain documents containing confidential business information and discussing other confidential business information concerning the Defendants and their clients. The contents of the affidavits (and the attached exhibits) are referenced and discussed throughout Defendants’ memorandum in support of their motion to dismiss. The parties have been working towards an agreement on a proposed confidentiality order to submit to the Court. The Defendants intend to designate the information referenced in the affidavits, the attached exhibits, and the Defendants’ memorandum in support of their motion to dismiss as “Confidential Discovery Material” under the proposed protective

order. Accordingly, Defendants request to file such documents containing confidential business information and discussing other confidential business information concerning the Defendants and their clients under seal. Because the Plaintiff has not seen such memorandum, affidavits, and exhibits, the Plaintiff shall retain the right to challenge the designation of the sealed documents as “Confidential Discovery Materials” and move the Court to unseal such memorandum, affidavits, and exhibits.

3. Defendants request that the Court grant leave to file the memorandum in support of Defendants’ motion to dismiss and the accompanying affidavits and exhibits under seal, and pursuant to Local Rule 7.2(a) request that the Court order that the memorandum and accompanying affidavits and exhibits remain under seal and impounded until the Court issues any further Order relating to the status of the sealed documents or until thirty days following the final resolution of this matter, including the expiration of any appeal, at which time the memorandum and accompanying affidavits and exhibits shall be returned to Defendants’ counsel. Attached for the Court’s consideration is a proposed form of Order.

WHEREFORE, Defendants respectfully request that the Court grant this motion and allow the filing of Defendants’ memorandum in support of Defendants’ motion to dismiss and accompanying affidavits and exhibits under seal.

Dated: April 9, 2012

Respectfully Submitted,

STATE STREET BANK AND TRUST
COMPANY and STATE STREET GLOBAL
MARKETS LLC

By its attorneys,

/s/ William H. Paine
Jeffrey B. Rudman (BBO# 433380)
William H. Paine (BBO# 550506)
Nolan J. Mitchell (BBO# 668145)

Robert Tannenbaum (BBO# 680568)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts, 02109
(617) 526-6000

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I, Robert B. Tannenbaum, hereby certify pursuant to Local Rule 7.1(A)(2) that Defendants' counsel conferred with Plaintiff's counsel by telephone on April 9, 2012 to resolve the issues raised in this unopposed motion.

/s/ Robert B. Tannenbaum
Robert B. Tannenbaum

CERTIFICATE OF SERVICE

I, Robert B. Tannenbaum, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) dated April 9, 2012 and to all non-registered participants via first class mail.

/s/ Robert B. Tannenbaum
Robert B. Tannenbaum